

**FRANK
HEARINGS
POSTPONED;
BURNS
SAYS CONLEY
GUILTY**

Argument on Motion to
Set

Verdict Aside Fixed for

Thursday—Other Hearing for Next Week

Both motions in the Leo M. Frank case, slated for a hearing before Judge Ben H. Hill, of the superior before Judge Wednesday were postponed. The motion to set aside the verdict of guilty is now set for Friday next week. The extraordinary motion on the ground of newly discovered evidence will be postponed again when it is called Thursday morning at 10 o'clock.

When the extraordinary motion is heard, according to the attorneys, amendments incorporating the new evidence found by William J. Burns will be filed. Burns Wednesday stated in a letter to Frank's attorneys that he is prepared to prove that Leo M. Frank is not a pervert and is innocent of the crime for which he has been convicted, and that James Conley, and he alone, is guilty of the murder of Mary Phagan, and further that he is a pervert of homicidal tendencies.

None of the new evidence on which Mr. Burns bases his statement has yet been made public, but it will be used by the defense when the hearing of the case actually commences. The outline of Burns' evidence has already been placed in the hands of the defense.

DORSEY NOT READY.

When the attorneys in the case gathered before Judge Hill in the library of the state capitol Wednesday, Solicitor Dorsey said that he was ready for the extraordinary motion, but was not prepared on the motion to set aside the verdict.

Attorney John L. Tye, who filed the motion to set aside the verdict said that he was ready to commence the argument, but thought it fitting that it postponed because of the death of the mother of Attorney Herbert J. Haas, of counsel. Judge Hill then set the hearing for Friday next week and took up the extraordinary motion. Attorney Luther Z. Rosser then stated that he did not wish to make a motion but would remind the court that Mr. Haas has been associated in the case from the very beginning, and he doubted if another member of counsel had put so much hard work on the case as he. The solicitor said that he had no objection to a postponement, but wanted to know if defense was prepared with any additional affidavits. The depositions of Dr. H. F. Harris and of Mary Rich, colored, were handed him.

Attorney Arnold, of the defense, asked

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**BURNS SAYS L. FRANK IS
INNOCENT**

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if the state was ready with a counter showing. The solicitor stated that his papers were being prepared, which means that he will probably introduce a number of affidavits when the hearing actually commences.

MORE TIME LIKELY.

If the solicitor introduces affidavits, combatting those of the defense, the defense will probably ask additional time. When the Burns evidence is made an amendment in the case the solicitor will probably ask additional time, and as a result there is little likelihood of the case actually proceeding Thursday morning.

The deposition of Mary Rich was made public at the hearing. In it the woman, who keeps a "restaurant on wheels," said in reply to questions: That she knew Jim Conley, but was not sure that she would recognize him now. Conley came to her on a day which he told her was a holiday and which she thinks was Memorial Day, between 2 o'clock and 2:30 in the afternoon. At that time her lunch stand was on Hunter Street between Madison Avenue and Forsyth Street. Conley bought a 20-cent lunch from her, promising to pay on Monday, but he hasn't paid yet.

The woman declared that she did not remember where Conley came from nor where he went to. In the motion it has been stated that she saw him come out of an alley behind the factory and go back into it. Her stand was evidently near this alley.

NO THREATS.

The woman said while a number of people have talked to her about the case, that she has not been threatened. She talked with the solicitor, she said, but went to his office of her own accord. She denied that the solicitor had attempted to have her change her story and say that Conley bought the lunch on Labor Day, not on Memorial Day.

The depositions of Dr. Harris have been published.

Burns, who announced Wednesday that, regardless of other business, he is going to stick on the case to the bitter finish, has increased his offer of a reward for satisfactory evidence showing perversion on the part of Frank from \$1,000 to \$5,000. The offer of \$1,000 has been open for more than a week, but has not been claimed.

MR. BURNS' LETTER.

Mr. Burns' letter to the attorneys follows:

"Dear Sirs: I hope to be able to furnish you today with my complete report showing the results of my investigation of the murder of Mary Phagan. My investigation is about complete, with the exception of a few details which I have as yet been unable to cover. In addition to these, I had also expected to secure today from Chief of Detectives Lanford, according to a promise he had made while I was out of the city, certain affidavits bearing on the case, which were extremely important, in view of the fact that I had offered a reward of \$1,000 to any person furnishing evidence of Leo M. Frank's immorality, and the only response thereto was from Chief Lanford, who had stated, through the public press, that he would turn certain affidavits over to me upon my return to the city which would prove this.

"I called on Chief Lanford today and requested to see the affidavits, he had, but he declined to let me see them, and made the astounding assertion that the charge of perversion did not enter into the case and had simply been injected by the attorneys for Frank."

"This being, as stated, the only response made by any person to my offer of reward for evidence of Leo M. Frank's immorality, I am, of course, very anxious to see these affidavits, and until I do see them it will be impossible for me to render my final report."

"I must, therefore, ask your indulgence in the matter until I can get free and complete access to all evidence bearing upon the case."

"It is my intention today to immediately increase the offer of reward for such information as I have previously mentioned to the amount of \$5,000."

"I am now engaged in drawing up my formal report, which will be submitted to you as soon as the same has been finally completed. I desire, however, to anticipate the same in these respects:"

"1. The murder was unquestionably the crime of a pervert of homicidal tendencies of the most pronounced type."

"2. That Leo M. Frank is not a pervert and is innocent of the murder for which he has been convicted."

"3. That James Conley—and he alone—is guilty of the murder of Mary Phagan, and, further, he is a pervert of the type heretofore described."

"All of which I am prepared to prove.

"Very truly yours,"

"WILLIAM J. BURNS."

Burns Takes Exception

To Reports of His Visits

William J. Burns takes exception to published versions of his visit to city and state officials, including Solicitor Dorsey.

While the solicitor says the published versions are substantially correct, he would not go in to details of the interview, and only said that he did not make public any report on the conference. The door was open, he says and he had no objection to anyone hearing anything that was said.

Mr. Burns gives the following account of the visits to the officials:

"About 3 p. m. Tuesday, in company with H. A. Alexander and Dan S. Lehon, we called at the office of Chief of Detectives Newport Lanford, and found him occupied with a man, and after waiting about fifteen minutes Chief Lanford invited us in."

"I stated that I had intended calling on him some time before, but was waiting until such time as I had finished up certain features of my investigation. I then stated that Mr. Lehon had informed me that in response to my offer of a \$1,000 reward for any information bearing upon the moral conduct of Leo M. Frank, he, Chief Lanford, had stated in the newspapers that he had affidavits that he would give me for nothing; that Mr. Lehon informed me that he, Lehon, had called on Chief Lanford, and asked for the evidence, and had been informed by Chief Lanford that he would give it to me, William J. Burns, personally, and that Mr. Lehon had informed me these affidavits bore directly upon the subject under discussion."

ASKED FOR PROOF.

"I then asked Chief Lanford whether or not he would let me have the affidavits. He stated that after considering the matter he had changed his mind, and could not let me have them, at least today, but that he might let me have them after the hearing (meaning the hearing of Leo M. Frank), before judge Hill, on a motion for a new trial, tomorrow, Wednesday, April 22, 1914."

"I then stated to Chief Lanford that I would like to discuss some other features of the case with him, assuming, of course, that he was perfectly open-minded, and his only desire was to get at the facts, which he assured me was true, and I therefore

wanted to go over some features of the case with him. He stated that he would have to decline to discuss these features today, for the same reason that he declined to furnish me the affidavits bearing upon the immorality of Leo M. Frank, and that he might do so after the hearing tomorrow."

"He further stated that the question of perversion did not enter in to this case at all, that there had been some question of perversion brought in by the attorneys for the defendant, but it had no place in the case, and never entered into the case in any way."

MEETS CHIEF BEAVERS.

"I asked him if we might meet Chief Beavers, and he stated that we could, and he then accompanied us to the office of Chief Beavers, one floor below, where he found the chief and introduced us."

"The chief took us into his office, which was then being repainted. I told him we would not sit down, that we merely called to pay our respects, and to get acquainted with him, and I then repeated to him all that had transpired with Chief Lanford, and added, 'Do you feel the same way, that you would not like to discuss these matters until after this hearing?' The chief at first was reluctant to make any reply, and finally said, 'Well, there isn't anything to discuss. This case has been tried by a jury selected by the attorneys for the defense and prosecution, and they rendered a verdict, and, therefore, the case is all over.' This was all said in a very halting way."

"I then added, 'But you appreciate the fact that if we are able to show that Frank was unjustly convicted, you certainly would not object to that being shown, would you?'"

"The chief said, 'Well, the case is all over. As a matter of fact, we have nothing to do with it now; that is a matter for the lawyers.'"

“‘But,’ I said, ‘you appreciate the fact that you are the chief of police and you gathered the evidence, and your men gathered the evidence, and your men gathered the evidence, and you are expected to protect society, and certainly if we were able to show that this man was innocent, I am sure you are openminded, and would be glad to have it done.’”

BADE HIM GOOD-BYE.

“‘Oh yes, we would be glad to have any light thrown on it that can be thrown on,’ he replied.”

“We then bade them good-bye.”

“And about 5 p. m. we called at the private office of Hugh M. Dorsey, the solicitor general, who, after a wait of perhaps twenty minutes, or half an hour, sent for us.”

“We entered his office, and I opened the conversation by stating that we merely called today for the purpose of arranging for an interview tomorrow, and Mr. Dorsey, looking towards Mr. Alexander, said: “There isn’t any reason why I shouldn’t see you tomorrow, unless this hearing will interfere with it.””

Mr. Alexander then said that on account of the death of the mother of Herbert J. Haas, it was possible that the hearing would go over, and Mr. Dorsey stated that if that were true, he would be glad to see us tomorrow, but that, he was going to be very busy, and said: “By the way, Mr. Burns, I am preparing affidavits—and I hope to have them ready by tomorrow—for you and Mr. Lehon to sign.”

I replied: “I will be glad to call when you have them ready, and would like to see them now,” and Mr. Dorsey stated they were not yet ready, that he had been too busy today to complete them.

I then said: “Would you mind telling me what the purport of the affidavits is?” To which he replied: “I do not think it would be profitable for either of us to discuss it at this time.” I stated that

would be all right, and that we would be glad to call whenever he wanted us.

I also stated that I wanted to discuss with him some phases of his case, and he stated he would see us about 3 o'clock tomorrow afternoon. I asked if he would mind making it 15 minutes after 3, and he said: "No, that will be all right," and indicated to us that he would be anxious to have us leave, stating that he was very busy just now.

I also asked Mr. Dorsey if he would be good enough to tell me what was meant by the article that appeared in the newspapers, stating that he intended to prosecute every person that perjured themselves in connection with this case. He stated it was his intention to prosecute any person who might commit perjury in connection with the matter. I also asked him if he intended to include in that persons that might testify for the state, as well as the defense, and he said that he did.

DORSEY ASKS FOR REPORT.

Mr. Dorsey said: "Mr. Burns, you told me that I wasn't to pay any attention to anything I saw in the newspapers, and I have seen a great many times indicating that you have reached the conclusion that Frank is innocent." I said: "Well, I don't mind indicating to you that my report will state Mr. Frank is innocent." He stated, "I would like to see that report when it is finished."

I replied, "I have no objection to your getting one, but it must come from the lawyers." He then turned to Mr. Alexander and said, "You will see that I get one, won't you?" And Mr. Alexander replied, "No, I do not care to assume that responsibility, without conferring with the other attorneys in the matter." Mr. Dorsey stated that he ought to have one just as quickly as the other lawyers; I replied that so far as I was personally concerned, I would be very glad to have him get it, and thought he ought to have it."

Mr. Alexander went on to say that he desired Mr. Dorsey and myself to have a lengthy conversation about this case, without

being in any hurry, and then Mr. Dorsey stated he would be very glad to talk over the matter, and followed us to the door, and on reaching there and finding Detectives Starnes, Black, Campbell and others, he assumed a loud tone of voice and said, "You know you have been employed by friends of Frank to come down here to upset this verdict. I expect you to come here and convince me if I am wrong, but if you expect me to convince you, I don't propose to do that."

I then said, "I thought you didn't want to discuss any of these questions—what is the use of making this speech?"

Mr. Dorsey said that it was in response to the question asked by Mr. Alexander.

We then told him good day.
